

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DAVID AGOADO, LEEANN MCNALLY,
CRAIG MOORE, CHRIS PIERRE,
THOMAS SHARKEY AND DOREEN
VAZQUEZ, individually and on behalf of all
others similarly situated,

Plaintiffs,
- against -

**MIDLAND FUNDING, LLC, MIDLAND
FUNDING, LLC DBA IN NEW YORK AS
MIDLAND FUNDING OF DELAWARE,
LLC, MIDLAND CREDIT
MANAGEMENT, INC., RUBIN &
ROTHMAN, LLC, FORSTER & GARBUS
LLP, COHEN & SLAMOWITZ, LLP and
PRESSLER AND PRESSLER LLP**

Defendants.

STATE OF RHODE ISLAND)
) ss.
COUNTY OF KENT)

I, Xenia Murphy, swear, depose and say the following:

1. I am employed by Midland Credit Management, Inc. ("MCM") as a Director of Legal Outsourcing, and I have personal knowledge of this matter.

2. I make this affidavit in support of the motion for summary judgment of Midland Funding, LLC, Midland Funding, LLC DBA in New York as Midland Funding of Delaware, LLC (together "MF"), and MCM (collectively, "Midland").

3. In September 2011, MF purchased a charged-off debt that Plaintiff David Agoado (“Agoado”) owed to Chase Bank USA, N.A. (“Chase”) from Chase as part of a portfolio of charged-off Chase debts.

Civil Action No.
2:14-cv-00018-JMA-AKT

**AFFIDAVIT IN OF XENIA MURPHY
REGARDING THE CHASE ACCOUNT
OF PLAINTIFF AGOADO**

4. I have personal knowledge of the fact that MF owns Agoado's former Chase account by virtue of my work at MCM and my review of MCM's records applicable to Agoado's debt.

5. Attached hereto as Murphy-Agoado Ex. F and Bates stamped MCM-0223 to MCM-0227 is a true and correct copy, with certain redactions to protect proprietary information, of the Bill of Sale and the Schedules showing the sales between Chase and MF of a portfolio of charged-off debts.

6. Agoado's delinquent Chase debt obligation was included in the portfolio of charged-off debts transferred pursuant to Murphy-Agoado Ex. F.

7. The information pertaining to this portfolio of charged-off debts was transferred to MCM in a computerized form through a media file containing the information applicable to each of the charged-off debts.

8. Attached hereto as Murphy-Agoado Ex. G and Bates stamped MCM-0268 is a true and correct copy, with certain redactions made to protect Agoado's privacy, of the information provided by Chase at the time of acquisition of Agoado's account by MF.

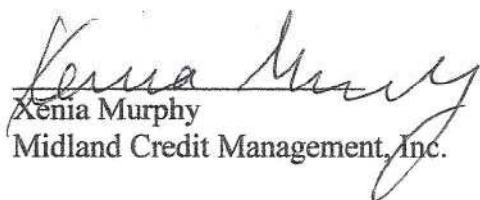
9. Attached hereto as Murphy-Agoado Ex. H and Bates stamped S&S000042 to S&S000081, are the statements for Agoado, which were provided by Chase upon purchase of Agoado's debt by MF.

10. After acquiring Agoado's former Chase debt, acting on behalf of MF, MCM sent Agoado an initial collection letter, titled "Notice of New Ownership *And* Pre-Legal Review", on September 26, 2011. A true and correct copy of this letter, with certain redactions to protect Agoado's privacy, is attached hereto as Murphy-Agoado Ex. I.

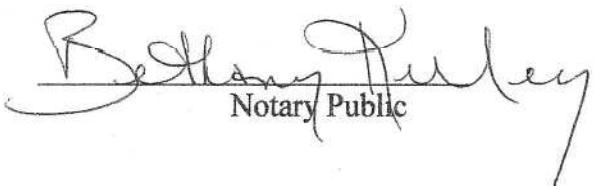
11. Attached hereto as Murphy-Agoado Ex. J are true and correct copies of two credit agreements provided by Chase to MF regarding Agoado's Chase account; the first is Bates stamped MCM-00155 to MCM-00156; the second is an amended account agreement, dated March 8, 2005, and Bates stamped MCM-158 to MCM-159. Chase represented that these documents governed Agoado's Chase account.

12. Attached hereto as Murphy-Agoado Ex. K and Bates stamped S&S000125 to S&S000128, is a true and correct copy of the Affidavit of Kayla Haag in Support of MF's Motion for Default Judgment against Agoado, dated July 11, 2012, along with its Certificate of Conformity, supporting MF's effort to collect Agoado's former Chase account.

Dated: Kent, Rhode Island
August 30, 2016


Xenia Murphy
Midland Credit Management, Inc.

Sworn to before me this
30 day of August 2016


Bethany Kelley
Notary Public

